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UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

Robert Bosch Healthcare Systems, Inc.)	CASE NO.: 3:12-CV-00068 JW
)	
Plaintiff,)	
)	FIRST AMENDED COMPLAINT
v.)	
)	DEMAND FOR JURY TRIAL
ExpressMD Solutions LLC.)	
)	
Defendant.)	
)	
)	
)	
)	

Plaintiff Robert Bosch Healthcare Systems, Inc. (“Bosch”), for its First Amended Complaint
against Defendant ExpressMD Solutions LLC (“ExpressMD”), states and alleges as follows:

PARTIES

1. Bosch is a Michigan corporation with its principal place of business at 2400 Geng Road,
Suite 200, Palo Alto, California, 94303.

ExpressMD's Infringing System

10. On information and belief, ExpressMD makes, sells, offers for sale, and/or uses in the United States a remote health monitoring system, the ExpressMD Solutions system, which includes, but is not limited to, the Express MD Electronic House Call Device and the ExpressMD Web Application, and which can perform at least the following functions:

- a. collect patient vital signs using wired and wireless peripherals, such as scales, blood pressure monitors, glucose meters, pulse oximeters, and CPAP technology;
- b. communicate with web service via cellular, phone line, or Ethernet;
- c. provide questions for the patient to answer to assist the care provider in evaluating the patient's condition;
- d. allow the care provider can remotely customize the session questions provided to the patient by the ExpressMD Electronic House Call;
- e. provide medication reminders to patients and permit care providers to remotely customize such medication reminders;
- f. provide to the patient video disease management education;
- g. allow care providers to manage their patients' care plans in real time.

11. The ExpressMD Solutions system meets all of the limitations of one or more of the claims of the '476, '273, '375, and '040 Patents ("the Patents-in-Suit"), thereby infringing the Patents-in-Suit.

ExpressMD's Knowledge of the Patents-in-Suit

12. Prior to the filing of this suit, Bosch had informed ExpressMD of the Patents-in-Suit and ExpressMD's infringement of those patents.

13. ExpressMD's infringement of the Patents-in-Suit is willful and deliberate.

COUNT I—INFRINGEMENT OF THE '476 PATENT

14. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs 1-13 as though fully set forth herein.

15. ExpressMD has infringed one or more claims of the '476 Patent, either literally or under the doctrine of equivalents, by making, selling, offering to sell, and/or operating its remote health monitoring system in the United States.

1 16. ExpressMD's infringement of the '476 Patent has been willful and deliberate and will
2 continue unless enjoined by the Court.

3 17. Bosch has been damaged by ExpressMD's infringing activities and will be injured
4 irreparably unless such activities are enjoined by this Court.

5 **COUNT II—INFRINGEMENT OF THE '273 PATENT**

6 18. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs
7 1-17 as though fully set forth herein.

8 19. ExpressMD has infringed one or more claims of the '273 Patent, either literally or under
9 the doctrine of equivalents, by making, selling, offering to sell, and/or operating its remote health
10 monitoring system in the United States.

11 20. ExpressMD's infringement of the '273 Patent has been willful and deliberate and will
12 continue unless enjoined by the Court.

13 21. Bosch has been damaged by ExpressMD's infringing activities and will be injured
14 irreparably unless such activities are enjoined by this Court.

15 **COUNT III—INFRINGEMENT OF THE '375 PATENT**

16 22. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs
17 1-21 as though fully set forth herein.

18 23. ExpressMD has infringed one or more claims of the '375 Patent, either literally or under
19 the doctrine of equivalents, by making, selling, offering to sell, and/or operating its remote health
20 monitoring system in the United States.

21 24. ExpressMD's infringement of the '375 Patent has been willful and deliberate and will
22 continue unless enjoined by the Court.

23 25. Bosch has been damaged by ExpressMD's infringing activities and will be injured
24 irreparably unless such activities are enjoined by this Court.

25 **COUNT IV—INFRINGEMENT OF THE '040 PATENT**

26 26. Bosch reasserts and incorporates herein by reference the allegations set forth in paragraphs
27 1-25 as though fully set forth herein.

28. ExpressMD's infringement of the '040 Patent has been willful and deliberate and will continue unless enjoined by the Court.

29. Bosch has been damaged by ExpressMD's infringing activities and will be injured irreparably unless such activities are enjoined by this Court.

9 **WHEREFORE**, Plaintiff Robert Bosch Healthcare Systems, Inc. respectfully prays for a
10 judgment:

- 11 a. Enjoining permanently ExpressMD Solutions LLC from making, using, selling, or offering
12 to sell its infringing system in the United States;
- 13 b. Awarding damages against ExpressMD Solutions LLC for its infringing activities;
- 14 c. Declaring the case exceptional and awarding Bosch treble damages, attorneys' fees, costs
15 and expenses in this action pursuant to 35 U.S.C. §§ 284 and 285 because ExpressMD's infringing
16 activities have been willful and deliberate;
- 17 d. Awarding pre- and post-judgment interest as provided by law; and
- 18 e. Awarding such other relief as is deemed just and equitable.

20 Plaintiff hereby demands a trial by jury with respect to all counts.

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FIRST AMENDED COMPLAINT